

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

HIGHSTEPPIN' PRODUCTIONS, LLC,

Plaintiff,

v.

GEORGE PORTER, JR., d/b/a ORA'S  
PUBLISHING, INC.;  
DAVID RUSSELL BATISTE, JR. d/b/a NOT SO  
SERIOUS MUSIC; BRIAN STOLTZ, d/b/a LONG  
OVERDUE MUSIC;  
PORTER, BATISTE, STOLTZ, LLC, a Louisiana  
Limited Liability Company;  
LIVE NATION, INC., d/b/a HOUSE OF BLUES, a  
California Corporation;  
FUNKY METERS, INC., a Louisiana Corporation;  
ELEVATION GROUP, INC.;  
BUGALOO MUSIC, a California Corporation;  
SCREEN GEMS-EMI MUSIC, INC. a New York  
Corporation;  
BUG MUSIC, INC., a California Corporation; and  
CABBAGE ALLEY MUSIC, a California  
Corporation.

Defendants.

Case No. 1:09-cv-12208-NMG

**REACH-AND-APPLY DEFENDANT LIVE NATION'S MOTION TO DISMISS**

Pursuant to Fed. R. Civ. P. 12(b)(6), Reach-and-Apply Defendant Live Nation, Inc. ("Live Nation"), though undersigned counsel, hereby moves to dismiss Plaintiff's claims against Live Nation. Plaintiff's reach-and-apply claims against Live Nation fail because the Complaint does not (and cannot) allege any facts demonstrating that Live Nation has any money or property belonging to the principal defendants, George Porter, Jr., David Russell Batiste, Brian Stoltz or Porter, Batiste, Stoltz, LLC. In support of this Motion, Live Nation incorporates and relies upon

the accompanying Affidavit of Denise Kirk, the Exhibits attached thereto, and Live Nation's Memorandum of Law in Support of Its Motion to Dismiss.

WHEREFORE, Live Nation Inc. respectfully requests that the Court dismiss all claims against it.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(D), Live Nation, Inc. believes that oral argument will assist the Court in ruling on this Motion and therefore respectfully request such argument.

Dated: March 3, 2010

Respectfully Submitted,

LIVE NATION, INC.,  
Reach-and-Apply Defendant,

By its attorney:

/s/ Eric M. Gold  
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**LOCAL RULE 7.1(A)(2) CERTIFICATE**

I hereby certify that counsel for Live Nation has conferred with opposing counsel in a good faith attempt to resolve or narrow the issues concerning this motion before its filing.

/s/ Eric M. Gold

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent via U.S. first class mail to those indicated as non-registered participants on March 3, 2010.

/s/ Eric M. Gold